

Millennium Challenge Corporation Freedom of Information Act (FOIA) Annual Report, FY 2015

May 13, 2016



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Basic Information Regarding Report

A. Name, title, address, and telephone number of person(s) to be contacted with questions about the report:

Tamiko N. Walker, Chief FOIA Officer
Millennium Challenge Corporation
1099 Fourteenth Street, NW
8th Floor
Washington, DC 20005
Telephone: (202) 521-3730
E-mail: foia@mcc.gov

B. Electronic address for the report on the World Wide Web:

<http://www.mcc.gov/foia>

C. How to obtain a copy of the report in paper form:

Contact Ms. Walker at the address or telephone number listed above.

Making a FOIA Request

A. Names, addresses and telephone numbers of all individual MCC components and offices that receive FOIA requests:

Tamiko N. Walker, Chief FOIA Officer
Millennium Challenge Corporation
1099 Fourteenth Street, NW
8th Floor
Washington, DC 20005
Telephone: (202) 521-3730
E-mail: foia@mcc.gov

B. Brief description of why some requests are not granted:

- MCC denied nine (9) information requests in FY2015 because there were no records responsive to the requests.

- MCC denied two (2) information request in FY2015 because the requests were not reasonably described.
- MCC denied part of two (2) information requests in FY2015 invoking Exemptions 4.
- MCC denied part of one (1) information requests in FY2015 invoking Exemption 5.
- MCC denied part of six (6) information requests in FY2015 invoking Exemption 6.

Acronyms, Definitions, and Exemptions

A. Agency-specific acronyms or other terms

MCC

Millennium Challenge Corporation. The independent executive agency established by Congress in the Millennium Challenge Act of 2003.

B. Basic terms, expressed in common terminology

Administrative Appeal

a request to a federal agency asking that it review at a higher administrative level a FOIA determination made by the agency at the initial request level.

Average Number

the number obtained by dividing the sum of a group of numbers by the quantity of numbers in the group. For example, of 3, 7, and 14, the average number is 8.

Backlog

the number of requests or administrative appeals that are pending at an agency at the end of the fiscal year that are beyond the statutory time period for a response.

Component

for agencies that process requests on a decentralized basis, a “component” is an entity, also sometimes referred to as an Office, Division, Bureau, Center, or Directorate, within the agency that processes FOIA requests. The FOIA now requires that agencies include in their Annual FOIA Report data for both the agency overall and for each principal component of the agency.

Consultation

the procedure whereby the agency responding to a FOIA request first forwards a record to another agency for its review because that other agency has an interest in the document. Once the agency in receipt of the consultation finishes its review of the record, it responds back to the agency that forwarded it. That agency, in turn, will then respond to the FOIA requester.

Exemption 3 Statute

a federal statute that exempts information from disclosure and which the agency relies on to withhold information under subsection (b)(3) of the FOIA.

FOIA Request

a FOIA request is generally a request to a federal agency for access to records concerning another person (i.e., a “third-party” request), or concerning an organization, or a particular topic of interest. FOIA requests also include requests made by requesters seeking records concerning themselves (i.e., “first-party” requests) when those requesters are not subject to the Privacy Act, such as non-U.S. citizens. Moreover, because all first-party requesters

should be afforded the benefit of both the access provisions of the FOIA as well as those of the Privacy Act, FOIA requests also include any first-party requests where an agency determines that it must search beyond its Privacy Act “systems of records” or where a Privacy Act exemption applies, and the agency looks to FOIA to afford the greatest possible access. All requests which require the agency to utilize the FOIA in responding to the requester are included in this Report.

Additionally, a FOIA request includes records referred to the agency for processing and direct response to the requester. It does not, however, include records for which the agency has received a consultation from another agency. (Consultations are reported separately in Section XII of this Report.)

Full Grant

an agency decision to disclose all records in full in response to a FOIA request.

Full Denial

an agency decision not to release any records in response to a FOIA request because the records are exempt in their entireties under one or more of the FOIA exemptions, or because of a procedural reason, such as when no records could be located.

Median Number

the middle, not average, number. For example, of 3, 7, and 14, the median number is 7.

Multi-Track Processing

a system in which simple requests requiring relatively minimal review are placed in one processing track and more voluminous and complex requests are placed in one or more other tracks. Requests granted expedited processing are placed in yet another track. Requests in each track are processed on a first in/first out basis.

Expedited Processing

an agency will process a FOIA request on an expedited basis when a requester satisfies the requirements for expedited processing as set forth in the statute and in agency regulations.

Simple Request

a FOIA request that an agency using multi-track processing places in its fastest (non-expedited) track based on the low volume and/or simplicity of the records requested.

Complex Request

a FOIA request that an agency using multi-track processing places in a slower track based on the high volume and/or complexity of the records requested.

Partial Grant/Partial Denial

in response to a FOIA request, an agency decision to disclose portions of the records and to withhold other portions that are exempt under the FOIA, or to otherwise deny a portion of the request for a procedural reason.

Pending Request or Pending Administrative Appeal

a request or administrative appeal for which an agency has not taken final action in all respects.

Perfected Request

a request for records which reasonably describes such records and is made in accordance with published rules stating the time, place, fees (if any) and procedures to be followed.

Processed Request or Processed Administrative Appeal

a request or administrative appeal for which an agency has taken final action in all respects.

Range in Number of Days

the lowest and highest number of days to process requests or administrative appeals.

Time Limits

the time period in the statute for an agency to respond to a FOIA request (ordinarily twenty working days from receipt of a perfected FOIA request).

C. Concise descriptions of the nine FOIA exemptions

Exemption 1

classified national defense and foreign relations information

Exemption 2

information that is related solely to the internal personnel rules and practices of an agency.

Exemption 3

information that is prohibited from disclosure by another federal law

Exemption 4

trade secrets and other confidential business information

Exemption 5

inter-agency or intra-agency communications that are protected by legal privileges

Exemption 6

information involving matters of personal privacy

Exemption 7

records or information compiled for law enforcement purposes, to the extent that the production of those records (a) could reasonably be expected to interfere with enforcement proceedings, (b) would deprive a person of a right to a fair trial or an impartial adjudication, (c) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (d) could reasonably be expected to disclose the identity of a confidential source, (e) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions, or (f) could reasonably be expected to endanger the life or physical safety of any individual

Exemption 8

information relating to the supervision of financial institutions

Exemption 9

geological information on wells

IV. Exemption 3 Statutes

Statute	Type of Information Withheld	Case Citation	Agency / Component	Number of Times Relied upon by Agency / Component	Total Number of Times Relied upon by Agency Overall
N/A	N/A	N/A	MCC	0	0

V. FOIA Requests

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A. FOIA Requests – Received, Processed and Pending FOIA Requests

Agency / Component	Number of Requests Pending as of Start of Fiscal Year	Number of Requests Received in Fiscal Year	Number of Requests Processed in Fiscal Year	Number of Requests Pending as of End of Fiscal Year
MCC	23	18	41	0
Agency Overall	23	18	41	0

B.(1). Disposition of FOIA Requests – All Processed Requests

Agency	Number	Number	Number	Number of Full Denials Based on Reasons Other than Exemptions	Total

/ Component	of Full Grants	of Partial Grants / Partial Denials	of Full Denials Based on Exemptions	No Records	All Records Referred to Another Component or Agency	Request Withdrawn	Fee-Related Reason	Records not Reasonably Described	Improper FOIA Request for Other Reason	Not Agency Record	Duplicate Request	Other * Explain in Chart Below	
MCC	12	14	2	9	0	2	0	2	0	0	0	0	41
Agency Overall	12	14	2	9	0	2	0	2	0	0	0	0	41

B.(2). Disposition of FOIA Requests – “Other” Reasons for “Full Denials Based on Reasons Other Than Exemptions”

Agency / Component	Description of “Other” Reasons for Denials from Chart B(1)	Number of Times “Other” Reason Was Relied Upon	Total
MCC	N/A	0	0
Agency Overall			0

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B.(3). Disposition of FOIA Requests – Number of Times Exemptions Applied

Age ncy / C om pon ent	Ex. 1	Ex. 2	Ex. 3	Ex. 4	Ex. 5	Ex. 6	Ex. 7(A)	Ex. 7(B)	Ex. 7(C)	Ex. 7(D)	Ex. 7(E)	Ex. 7(F)	Ex. 8	Ex. 9
MC C	0	0	0	2	1	6	0	0	0	0	0	0	0	0
Age ncy Ove rall	0	0	0	2	1	6	0	0	0	0	0	0	0	0

VI. Administrative Appeals

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A. Administrative Appeals of Initial Determinations of FOIA Requests – Received, Processed, and Pending Administrative Appeals

Agency / Component	Number of Appeals Pending as of Start of Fiscal Year	Number of Appeals Received in Fiscal Year	Number of Appeals Processed in Fiscal Year	Number of Appeals Pending as of End of Fiscal Year
MCC	0	0	0	0
Agency Overall	0	0	0	0

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B. Disposition of Administrative Appeals – All Processed Appeals

Agency / Component	Number Affirmed on Appeal	Number Partially Affirmed & Partially Reversed / Remanded on Appeal	Number Completely Reversed / Remanded on Appeal	Number of Appeals Closed for Other Reasons	Total
MCC	0	0	0	0	0
Agency Overall	0	0	0	0	0

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C.(1). Reasons for Denial on Appeal – Number of Times Exemptions Applied

Age ncy / C om pon ent	Ex. 1	Ex. 2	Ex. 3	Ex. 4	Ex. 5	Ex. 6	Ex. 7(A)	Ex. 7(B)	Ex. 7(C)	Ex. 7(D)	Ex. 7(E)	Ex. 7(F)	Ex. 8	Ex. 9
MC C	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Age ncy Ove rall	0	0	0	0	0	0	0	0	0	0	0	0	0	0

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C.(2). Reasons for Denial on Appeal – Reasons Other Than Exemptions

Agency / Component	No Records	Records Referred at Initial Request Level	Request Withdrawn	Fee-Related Reason	Records not Reasonably Described	Improper Request for Other Reasons	Not Agency Record	Duplicate Request or Appeal	Request in Litigation	Appeal Based Solely on Denial of Request for Expedited Processing	Other *Explain in chart below
MCC	0	0	0	0	0	0	0	0	0	0	0
Agency Overall	0	0	0	0	0	0	0	0	0	0	0

C.(3). Reasons for Denial on Appeal – “Other” Reasons

Agency / Component	Description of “Other” Reasons for Denial on Appeal from Chart C(2)	Number of Times “Other” Reason Was Relied Upon	Total
MCC	N/A	0	0
Agency Overall			0

C.(4). Response Time for Administrative Appeals

Agency / Component	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days
Agency Overall	0.00	0.00	0.00	0.00

C.(5). Ten Oldest Pending Administrative Appeals

Agency / Component		10th Oldest Appeal	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Appeal
Agency Overall	Date of Appeal	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days Pending	0	0	0	0	0	0	0	0	0	0

VII. FOIA Requests – Response Time for All Processed and Pending Requests

A. FOIA Requests – Response Time for All Processed Perfected Requests

Agency / Component	Simple				Complex				Expedited Processing			
	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days
Agency Overall	79	84		290	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

Agency / Component	Simple				Complex				Expedited Processing			
	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days
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B. Processed Requests – Response Time for Perfected Requests in Which Information Was Granted

Agency / Component	Simple				Complex				Expedited Processing			
	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days
Agency Overall	92	68		181	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

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C. Processed Simple Requests – Response Time in Day Increments

Agency / Component		21-40 Days	41-60 Days	61-80 Days	81-100 Days	101-120 Days	121-140 Days	141-160 Days	161-180 Days	181-200 Days	201-300 Days	301-400 Days	401+ Days	Total
MC C	17	2	1	2	3	1	1	0	0	10	2	0	0	39
Agency Overall	17	2	1	2	3	1	1	0	0	10	2	0	0	39

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C. Processed Complex Requests – Response Time in Day Increments

Agency / Component		21-40 Days	41-60 Days	61-80 Days	81-100 Days	101-120 Days	121-140 Days	141-160 Days	161-180 Days	181-200 Days	201-300 Days	301-400 Days	401+ Days	Total
MC C	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Agency Overall	0	0	0	0	0	0	0	0	0	0	0	0	0	0

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C. Processed Requests Granted Expedited Processing – Response Time in Day Increments

Agency / Component		21-40 Days	41-60 Days	61-80 Days	81-100 Days	101-120 Days	121-140 Days	141-160 Days	161-180 Days	181-200 Days	201-300 Days	301-400 Days	401+ Days	Total
MC C	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Agency Overall	0	0	0	0	0	0	0	0	0	0	0	0	0	0

D. Pending Requests – All Pending Perfected Requests

Agency / Component	Simple			Complex			Expedited Processing		
	Number Pending	Median Number of Days	Average Number of Days	Number Pending	Median Number of Days	Average Number of Days	Number Pending	Median Number of Days	Average Number of Days
Agency	0	N/A	N/A	0	N/A	N/A	0	N/A	N/A

Agency / Component	Simple			Complex			Expedited Processing		
	Number Pending	Median Number of Days	Average Number of Days	Number Pending	Median Number of Days	Average Number of Days	Number Pending	Median Number of Days	Average Number of Days
Overall									

E. Pending Requests – Ten Oldest Pending Perfected Requests

Agency / Component		10th Oldest Request	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Request
Agency Overall	Date of Receipt	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days Pending	0	0	0	0	0	0	0	0	0	0

VIII. Requests for Expedited Processing and Request for Fee Waiver

A. Requests For Expedited Processing

Agency / Component	Number Granted	Number Denied	Median Number of Days to Adjudicate	Average Number of Days to Adjudicate	Number Adjudicated Within Ten Calendar Days
Agency Overall	0	0	N/A	N/A	N/A

B. Requests For Fee Waiver

Agency / Component	Number Granted	Number Denied	Median Number of Days to Adjudicate	Average Number of Days to Adjudicate
Agency Overall	0	0	N/A	N/A

IX. FOIA Personnel and Costs

Agency / Component	Personnel			Costs		
	Number of "Full-Time FOIA Employees"	Number of "Equivalent Full-Time FOIA Employees"	Total Number of "Full-Time FOIA Staff"	Processing Costs	Litigation-Related Costs	Total Costs
MCC	0	2	2	\$15,000.00	\$0.00	\$15,000.00
Agency Overall	0	2	2	\$15,000.00	\$0.00	\$15,000.00

As of FY 2015 and the previous years, MCC did not have a tracking system for which to assess processing costs for FOIA requests. MCC is developing a proper system to track processing costs for FOIA requests. The processing costs reported in this report and in previous reports is an estimated figure.

X. Fees Collected For Processing Requests

Agency / Component	Total Amount of Fees Collected	Percentage of Total Costs
MCC	\$0.00	0.00%
Agency Overall	\$0.00	0.00%

XII. Backlogs, Consultations and Comparisons

A. Backlogs of FOIA Requests and Administrative Appeals

Agency / Component	Number of Backlogged Requests as of End of Fiscal Year	Number of Backlogged Appeals as of End of Fiscal Year
MCC	0	0
Agency Overall	0	0

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B. Consultations on FOIA Requests – Received, Processed, And Pending Consultations

Agency / Component	Number of Consultations Received from Other Agencies that were Pending at the Agency as of Start of the Fiscal Year	Number of Consultations Received from Other Agencies During the Fiscal Year	Number of Consultations Received from Other Agencies that were Processed by the Agency During the Fiscal Year	Number of Consultations Received from Other Agencies that were Pending at the Agency as of End of the Fiscal Year
MCC	0	0	0	0
Agency Overall	0	0	0	0

C. Consultations on FOIA Requests – Ten Oldest Consultations Received From Other Agencies and Pending at the Agency

Agency / Component		10th Oldest Consultation	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Consultation
Agency Overall	Date	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days	0	0	0	0	0	0	0	0	0	0

D.(1). Comparison of Numbers of Requests From Previous and Current Annual Report – Requests Received and Processed

Agency / Component	Number Of Requests Received		Number Of Requests Processed	
	Number Received During Fiscal Year from Last Year's Annual Report	Number Received During Fiscal Year from Current Annual Report	Number Processed During Fiscal Year from Last Year's Annual Report	Number Processed During Fiscal Year from Current Annual Report
MCC	33	18	14	41

Agency / Component	Number Of Requests Received		Number Of Requests Processed	
	Number Received During Fiscal Year from Last Year's Annual Report	Number Received During Fiscal Year from Current Annual Report	Number Processed During Fiscal Year from Last Year's Annual Report	Number Processed During Fiscal Year from Current Annual Report
Agency Overall	33	18	14	41

D.(2). Comparison of Numbers of Requests From Previous and Current Annual Report – Backlogged Requests

Agency / Component	Number of Backlogged Requests as of End of the Fiscal Year from Previous Annual Report	Number of Backlogged Requests as of End of the Fiscal Year from Current Annual Report
MCC	23	0
Agency Overall	23	0

XII. Comparison of Numbers of Administrative Appeals From Previous And Current Annual

E.(1). Comparison of Numbers of Administrative Appeals From Previous And Current Annual Report – Appeals Received and Processed

Agency / Component	Number Of Appeals Received	Number Of Appeals Processed
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Agency / Component	Number Of Appeals Received		Number Of Appeals Processed	
	Number Received During Fiscal Year from Last Year's Annual Report	Number Received During Fiscal Year from Current Annual Report	Number Processed During Fiscal Year from Last Year's Annual Report	Number Processed During Fiscal Year from Current Annual Report
MCC	0	0	0	0
Agency Overall	0	0	0	0

E.(2). Comparison of Numbers of Administrative Appeals From Previous and Current Annual Report – Backlogged Appeals

Agency / Component	Number of Backlogged Appeals as of End of the Fiscal Year from Previous Annual Report	Number of Backlogged Appeals as of End of the Fiscal Year from Current Annual Report
MCC	0	0